

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WESLEY F. SYDOW and THERESA SYDOW,

Plaintiffs,

v.

ORDER

14-cv-219-wmc

WEYERHAEUSER COMPANY, 3M COMPANY,
METROPOLITAN LIFE INSURANCE
COMPANY, and OWENS-ILLINOIS INC.,

Defendants.

In this action, plaintiffs Wesley F. Sydow and Theresa Sydow bring claims against defendants arising out of Wesley's exposure to asbestos and a related disease, malignant mesothelioma. Defendant Weyerhaeuser Company, the former owner of a door manufacturing plant where Wesley Sydow worked and asbestos fireproofing products were produced, moves for judgment on the pleadings on the claims brought against it as barred by Wisconsin's Workers' Compensation Act. (Dkt. #23.) The court will grant that motion for the reasons set forth in its opinion and order in *Boyer v. Weyerhaeuser*, No. 14-cv-286 (W.D. Wis. Aug. 22, 2014).¹

¹ The court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a). Plaintiffs Wesley and Theresa Sydow are citizens of Wisconsin. (1st Am. Compl. (dkt. #69-1) ¶ 1.) As explained in the *Boyer* opinion the named defendants are citizens of states other than Wisconsin. The court will dismiss the "unknown insurers" as defendants.

ORDER

IT IS ORDERED that defendant Weyerhaeuser Company's motion to dismiss (dkt. #23) is GRANTED. Count III and IV of plaintiffs' first amended complaint are dismissed with prejudice and defendant Weyerhaeuser is dismissed from this action.

Entered this 22nd day of August, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge